



## **Polk County Fire Rescue**

### **Office of Professional Standards – Investigative Report**

**File # 2018-AC-0087**

On **November 30, 2018**, the Polk County Fire Rescue Professional Standards Office received information in reference to allegations that **Captain James Williams** violated department policy. On **November 30, 2018**, Fire Chief **Anthony Stravino** ordered an Administrative Investigation into these allegations.

#### **Nature of Complaint:**

*On November 23, 2018 while on scene of a structure fire, which resulted in one fatality, Captain Williams made a video recording of the incident using his personal cellular telephone. Captain Williams then shared that video with others within and possibly outside of the agency.*

#### **Interviews:**

##### **Firefighter Paramedic Courtney Stokes – Witness-Member**

On **November 30, 2018**, I obtained a sworn audio-recorded statement from **F/PM Courtney Stokes**, who is listed as a potential witness in this investigation. The interview was conducted at the Polk County Administration Building located at 330 W. Church Street, Bartow, FL. The following is a summary of Stokes's sworn testimony.

Stokes stated on November 24 he was on the shift that relieved Captain William's shift. Stokes stated while he was in the station that morning he was shown a video of a structure fire by Captain James Williams. Stokes said he only saw about 10 – 15 seconds of the video but it did appear to be a structure fire and he said he also could see what appeared to be power lines down on the ground. Stokes said it was an active fire and it looked like the entire building was on fire and it also looked like some of the trees were beginning to catch on fire. Again, he said the video showed an active fire and was not taken post incident.

Stokes said Williams was discussing the fire and what had occurred the night before and of the difficult nature of the incident when he asked if they wanted to see the video. Stokes said he does not know who took the video as Williams did not say where it came from. He did say Williams was showing the video on what appeared to be his cell phone. Stokes said he believes there were others present but people were coming and going so he is not sure who was present in the room when he saw the video.

#### **Additional Witness Information:**

##### **Pam Desmrais – Witness**

On **December 3, 2018**, I interviewed Pam Desmrais, a supervisor with Live Scan. The interview was conducted via telephone and was not audio recorded. I spoke with Desmrais due to the fact

information had been received indicating Captain Williams had forwarded, via text message, a copy of the video to one of the Live Scan employees. The information I had was the employee was a female possibly named Casey (sp?) Desmrais stated she had spoken with Casey and while she was reluctant to speak with me directly she did confirm she had been sent a copy of the video by a "firefighter." Casey did not disclose the identity of the person who sent her the video but said he called her on Tuesday and told her he should not have sent it to her and asked her to get rid of the video so she deleted the video from her phone.

### **Captain James Williams – Subject Member**

On **December 11, 2018**, I obtained a sworn audio-recorded statement from Captain James Williams, who is listed as a subject member in this complaint. Williams's chosen representative, **Vernon Austin**, was also present during the interview. Williams was given the Garrity Warning prior to the interview. The interview was conducted at the Polk County Administration Building located at 330 W. Church Street, Bartow, FL. The following is a summary of Williams' sworn testimony.

Captain Williams said on the day of the call they had to swap trucks and were in a spare unit when they received the call. He said the call was dispatched as a residential fire with possible entrapment and when they got in the truck the computer was not working so he got on the radio and advised dispatch they were responding. He said since there was possible entrapment he told his firefighter to respond with him on the truck rather than taking the tender due to the fact the tender is slow and he felt like he needed everyone on scene as soon as possible due to the possible entrapment.

Williams said they had a little trouble finding the resident due to the fact it was nighttime in a largely rural area and there were no address numbers on any of the mailboxes. Williams said when they did eventually find the residence the house was basically in the middle of "nowhere" down a long driveway and then down a path into a wooded area.

When they got on scene Williams said he gave instructions to the engineer about what type line they were going to use and then he told the firefighter to come with him and they went to the residence, which was about 300 yards away from the engine. He said as they ran up they could see the front door and as they approached he could see smoke and flame coming out of the door. Williams said at this time the fire had already vented through the roof and the fire was extremely hot as well. When he could not go in the front door Williams said he continued around to the left in an attempt to see if he could make entry from that direction. He saw the fire had spread beyond the house preventing them from going around that was so they headed back to the front to see if they could go around the other side of the house. As they went back around the power lines, which were still hot, fell to the ground blocking their path around the house. Williams said during this time the fire went from being approximately 50% involved to 75 or 80% involved.

Williams said he realized they would not be able to do anything without water so he told the firefighter they needed to help the engineer get the water lines established so they could start putting water on the fire. He said as this is happening other units are beginning to arrive and they began to try to fight the fire. Williams said he requested another station to respond with their tender because there were no hydrants in this area and he knew they were going to need additional water.

At one point Williams recorded a video of the fire. He said he initially recorded the video because he had never seen anything like this fire and wanted to be able to share it and use it for training and debriefing purposes. He said at the time he took the video they had run out of water and they were waiting to be resupplied. Williams said they had stepped back from the fire when they ran out of water and he had loosened his gear and taken off his pack when he realized his cell phone was in his pocket. It was then he had the thought to take the video so he could share it later. Williams said he later shared the video on a Snapchat group made up of firefighters and Casey, who works for LiveScan. He said he did not share it anywhere else or post it on any other social media.

Williams said he did not notify his battalion chief he had taken the video but he wishes he had. He said he was not familiar with the Department's policy regarding electronic images being taken at scenes but he has since familiarized himself with it. Williams said he feels he was wrong to take the video and he wishes he had not. He said he did not do it for any other reason than to try to help learn from what had happened because he had not seen anything like this fire before and he hoped it would help him be better at his job.

***Evidence:***

1. One thumb drive containing the video recorded by Captain Williams.

***Findings:***

On November 23, 2018 Captain James Williams was on duty at Station 6, Providence, in north Lakeland.

Station 6 received a call that evening in regard to a residential fire with possible entrapment.

Captain Williams and the crew responded to the fire and after some difficulty were able to locate the residence.

The residence was in a secluded area, mostly rural, where none of the mail boxes were numbered.

After arriving at the scene Captain Williams directed the engineer as to what type of water supply to establish and then he directed his firefighter to follow him.

Upon approaching the residence Captain Williams could see the front door was already involved with flame and heavy smoke.

He tried to run around the house in an attempt to find another point of entry but the fire had spread blocking his path.

He attempted to go back and around the other side of the house but as he did so the live power lines to the house fell to the ground blocking the path around the other side as well.

By this time the house fire had become almost fully involved.

Williams said he had never seen a fire as intense as this one and he was amazed at how fast and hot it was burning.

Eventually water lines were established and the crew of Engine 6, along with other units that had responded, began to fight the fire.

At one point the units fighting the fire used all available water on scene. While they waited for additional water to arrive they moved back away from the fire.

At this time Captain Williams realized his cell phone was in his pocket.

Captain Williams decided to use the camera on his phone to take a video of the fire while they waited for more water.

He said his initial reason for taking the video was because he had never seen a fire such as this one and he thought the video might be useful for training purposes.

He said he hoped it would be something they could all learn from in order to perform better.

Williams shared the video on a Snapchat group he is a member on.

The group consists of other firefighters and at least one civilian, Casey (Miller?) a LiveScan technician.

Williams said he did not share the video with anyone else and neither did he post it on any other type of social media.

Captain Williams did show the video to other PCFR members the following morning at the station with at least one member, F/PM Courtney Stokes reporting he viewed the video.

Williams said he was not familiar with PCFR's policy regarding taking photographs and videos at the scene but he has since read it.

He said he knows he was wrong to take the video and wishes he had not done so.

***I, the undersigned, do hereby swear that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in applicable Florida State Statutes and/or CBA's.***

***I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief.***

Investigator:

  
Daniel Cone, Office of Professional Standards

Date: 26 Dec, 2018



# Polk County Fire Rescue

Office of Professional Standards

## NOTICE OF INVESTIGATION- Fire Rescue Personnel

TO: Captain James Williams

FROM: Daniel Cone, Office of Professional Standards

DATE: November 30, 2018

File# **2018-AC-0087**

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Pursuant to Florida State Statute (Firefighters Bill of Rights) and/or the Polk County Fire Rescue Manual, you are hereby notified of a formal administrative investigation being conducted in which your actions are under examination for possible violation of the Polk County Board of County Commission (BoCC) Employee Handbook, and/or the Polk County Fire Rescue (PCFR) Policy and Procedure Manual. **This is not a criminal investigation.**

The nature of the administrative investigation is the search for, and marshalling of evidence of your actions and/or inactions, if any, that would support a finding of, or constitute (a) violation(s) of the Polk County Board of County Commission (BoCC) Employee Handbook, and/or the Polk County Fire Rescue (PCFR) Policy and Procedure Manual.

The administrative investigation will be conducted in a manner specifically and narrowly related to this complaint. The known detail of the complaint against you is summarized as follows:

***Nature of complaint: On November 23, 2018 while on scene of a structure fire, which resulted in one fatality, Captain Williams made a video recording of the incident using his personal cellular telephone. Captain Williams then shared that video with others within and possibly outside of the agency.***

The complainant in this investigation is Polk County Fire Rescue Administration.

The investigation has been ordered by **Polk County Fire Rescue Chief Anthony Stravino.**

The investigation is being conducted by Professional Standards Investigator **Daniel Cone.**

This document shall serve as notice of management's intention to conduct a formal investigation regarding the above listed allegations. This administrative investigation will be conducted in accordance with provisions established in the Polk County Fire Rescue Policy and Procedure Manual, which may require you to participate in an audio recorded administrative interview. In the event this occurs, sufficient notice will be provided as to the date and time of your administrative interview. You are permitted to have a representative of your choice present with you during the administrative interview. It is your responsibility to arrange to have your chosen representative in attendance at the scheduled date and time of your administrative interview.

You are ordered not to discuss this administrative investigation, your testimony in this investigation, or any other testimony or evidence relevant to the administrative investigation of which you have knowledge (except with your legal counsel and/or chosen representative) until such time as this investigation is closed and you have received written notification of same by the property authority.

(I have been provided a copy of Sections 112.80, 112.81, 112.82, 112.83, and 112.84 of the Florida Statutes (includes "Firefighter's Bill of Rights)).

  
Initials

ACKNOWLEDGEMENT OF RECEIPT

I, James Williams do hereby acknowledge receipt of this notice on the 12 day of Dec, 2018.

  
Signature

James Williams  
Printed Name

  
(Witness) Signature

Bobby Bohm 0238  
Printed Name





# Polk County Fire Rescue

Office of Professional Standards

## NOTICE OF INTERVIEW – SUBJECT MEMBER

TO: Captain James Williams

FROM: Daniel Cone, Office of Professional Standards

DATE: December 5, 2018

Your investigative interview for FILE #2018-AC-0087 has been scheduled for **Tuesday December 11, 2018 at 0900 hrs.** This interview will be conducted at the Polk County BoCC Administration Building located at 330 W. Church Street, Bartow, FL. Come to the County Manager's Office on the fourth floor.

If you intend to have a representative present, please advise the assigned investigator prior to the date of your investigative interview. It is your responsibility to have your representative with you at the time of this scheduled interview.

Under certain circumstances, arrangements can be made to reschedule the investigative interview. However, unless we hear from you otherwise, we will be prepared to conduct this interview at the designated time.

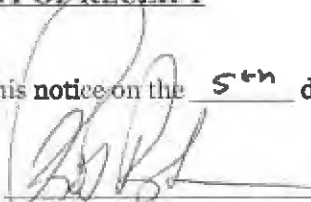
Please report to the location listed in this notice on the designated date and time. Your promptness is expected and appreciated. Failure to comply with any portion of this notice may result in disciplinary action.

### ACKNOWLEDGEMENT OF RECEIPT

I, James Williams do hereby acknowledge receipt of this notice on the 5<sup>th</sup> day of December, 2018.

  
Signature

James Williams  
Printed Name

  
(Witness) Signature

Bobby Echert  
Printed Name



# Polk County Fire Rescue

Office of Professional Standards

## GARRITY NOTICE

You are hereby advised that I intend to question you as part of an official administrative investigation being conducted by the Polk County Fire Rescue Division. The purpose of this Garrity Warning is to protect you from compelled self-incrimination during the administrative interview.

You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and Constitution of the State of Florida and the Constitution of the United States, including the right not be compelled to incriminate yourself.

Pursuant to the Polk County Fire Rescue Division SOP and/or the Polk County Board of County Commissioners (BoCC) Employee Handbook, you are required to answer my questions fully and truthfully. If you refuse to testify or answer all questions relating to the performance of your official duties or fitness for office, you may be subject to separate disciplinary action, to include the termination of your employment.

Your statements or any information or evidence relating to this administrative investigation that is gained by reason of such statements, cannot be used against you in any criminal legal proceeding (**except for perjury or obstruction of justice charges**). However, your statements may be used against you in other administrative and/or disciplinary action(s) taken against you. As such, you are ordered to answer all questions fully and truthfully.

### ACKNOWLEDGEMENT OF RECEIPT

I, JAMES WILLIAMS do hereby acknowledge receipt of this notice on the 11 day of December, 2018.

[Signature]  
Signature

JAMES WILLIAMS  
Printed Name

[Signature]  
(Witness) Signature

DANIEL COLE  
Printed Name





## Polk County Fire Rescue

Office of Professional Standards

### ADVISEMENT OF PERJURY

Administrative/Field Investigations

#### **837.02 Perjury in official proceedings.—**

- (1) Except as provided in subsection (2), whoever makes a false statement, which he or she does not believe to be true, under oath in an official proceeding in regard to any material matter, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (2) Whoever makes a false statement, which he or she does not believe to be true, under oath in an official proceeding that relates to the prosecution of a capital felony, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (3) Knowledge of the materiality of the statement is not an element of the crime of perjury under subsection (1) or subsection (2), and the defendant's mistaken belief that the statement was not material is not a defense.

#### **837.021 Perjury by contradictory statements.—**



- (1) Except as provided in subsection (2), whoever, in one or more official proceedings, willfully makes two or more material statements under oath which contradict each other, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (2) Whoever, in one or more official proceedings that relate to the prosecution of a capital felony, willfully makes two or more material statements under oath which contradict each other, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (3) In any prosecution for perjury under this section:
  - (a) The prosecution may proceed in a single count by setting forth the willful making of contradictory statements under oath and alleging in the alternative that one or more of them are false.
  - (b) The question of whether a statement was material is a question of law to be determined by the court.
  - (c) It is not necessary to prove which, if any, of the contradictory statements is not true.
  - (d) It is a defense that the accused believed each statement to be true at the time the statement was made.

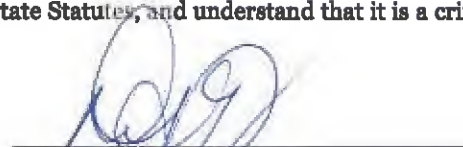

#### **837.06 False official statements.—**

Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

#### **ACKNOWLEDGEMENT OF RECEIPT**

I have read the preceding excerpt from Chapter 837, Florida State Statutes, and understand that it is a criminal act to make false statements in an official proceeding.

  
\_\_\_\_\_  
Signature  
  
\_\_\_\_\_  
Printed Name

  
\_\_\_\_\_  
(Witness) Signature  
  
\_\_\_\_\_  
Printed Name



## Polk County Fire Rescue

Office of Professional Standards

### ADVISEMENT OF PERJURY

Administrative/Field Investigations

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#### ACKNOWLEDGEMENT OF RECEIPT

I have read the preceding excerpt from Chapter 837, Florida State Statutes, and understand that it is a criminal act to make false statements in an official proceeding.

Signature


Courtney Stokes

Printed Name

(Witness) Signature

DANIEL COMBS

Printed Name

	<b>POLK COUNTY FIRE RESCUE</b>		<b>100 Series</b>
	<b>No. 109</b>	<b>Pages 1-4</b>	<b>Revised: 2/6/16</b>
	<b>Photography and Digital Imagery Policy</b>		
	<b>Associated Directives:</b> <b>PCFR SOP 102, 113, 119, 207, 631, 634, 635</b> <b>BoCC Policies: Handbook 10.08</b>		

**POLICY:** It is the policy for the Polk County Fire Rescue (PCFR) to establish guidelines and procedures for the collection, use, distribution and storage of images captured using conventional film, digital photography and video recording by members while engaged in the performance of their official duties. It is the policy for PCFR members to respect of privacy interests of agency personnel, patients, fire victims, and the public, and to comply with the Florida public records statute 119.

**PURPOSE:** The purpose of this policy is to manage photographs and digital images taken by Polk County Fire Rescue (PCFR) personnel in accordance with Florida state law, in such a way that the privacy rights of agency personnel, patients, fire victims, and the public are preserved; that evidentiary concerns related to such images are protected; and the professional image of the agency is maintained.

This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this agency for non-judicial administrative action in accordance with the laws governing employee discipline.

#### **DEFINITIONS:**

**Images:** Photographs, digital photographs, digital images, video recordings, or electronic files containing a graphic image or series of images, as well as any digital reproductions or copies of such photographs, digital photographs, digital images, video recordings, or files. This definition shall extend to derivations of the term images, including image, imagery and imaging.

**Digital imaging device:** Any device capable of producing a digital image, including but not limited to a digital camera or digital camcorder.

#### **109.1 ON-DUTY PHOTOGRAPHY**

- A.** Members shall take all images with agency owned/issued equipment while on-duty or acting in an official capacity. Members are prohibited from using a non-agency owned camera, video recorder, audio recorder, or the camera/video/audio function of a non-agency owned cellular phone, PDA, or any other digital imaging device while on-duty. The fire chief or his/her designee may grant an exception to this rule on an individual basis. Any permission granted by the fire chief or his/her designee shall be in writing and shall indicate any conditions or limitations upon the employee.
- B.** A basic condition of any employee using a non-agency owned camera, video recorder, audio recorder, or the camera/video/audio function of a non-agency owned cellular phone, PDA, or any other digital imaging device while on-duty is that the Fire Chief or his/her designee may inspect the device at any time. In addition, the member must comply with all other aspects of this policy as if the image was taken with an agency-owned device.

- C.** Members who have been trained on compliance with this policy and who have been approved by the Fire Chief or the Communications Division Director shall be permitted to take images pursuant to this policy.
- D.** All images should be taken in color without any filter to alter the original format. Members should review the images taken prior to leaving an incident scene to ensure that no additional images are needed or required.
- E.** All images shall be preserved and shall not be deleted without written permission of the Communications Division Director, except as permitted by the record retention policy.
- F.** All images taken by members are the sole property of the Polk County Board of County Commissioners (BoCC), PCFR Division, and are under the control of the Communications Division Director, Fire Chief or his/her designee. This specifically includes any images taken inadvertently with a non-agency owned camera, cell phone camera, or any other digital imaging device by a member while on-duty or acting in an official capacity.
- G.** Any member who inadvertently takes such an image shall report the fact immediately through the chain of command. Members shall not be disciplined for inadvertent violations that are duly and immediately reported.
- H.** Members are expressly prohibited from taking any images of another person in any location where a person has a reasonable expectation of privacy, including, but not limited to, a bathroom, bedroom, locker room, changing area, or any other location where a reasonable person would believe that he or she could disrobe in privacy, without being concerned that his or her undressing was being photographed, filmed, or videotaped by another; or in a place where one could reasonably expect to be safe from hostile intrusion or surveillance.

## **109.2 INCIDENT SCENES**

- A.** Members are prohibited from using a non-agency owned camera, video recorder, audio recorder, or the camera/video/audio function of a non-agency owned cellular phone, PDA or any other digital imaging device while responding to, operating at, or returning from, any incident. Any member who inadvertently takes such an image at an incident scene shall report the fact immediately through the chain of command to the incident commander at the earliest possible opportunity. Members shall not be disciplined for inadvertent violations that are duly and immediately reported.
- B.** On scene photography or video taken by members while on-duty or acting in an official capacity shall be for incident documentation, evidentiary, training, investigation, and/or public relations purposes only. Such images taken by members while on-duty or acting in an official capacity shall be taken by or with the approval of the incident commander in charge of the scene, using approved agency equipment, or as approved by the Fire Chief.
- C.** The taking of imagery shall not interfere with nor delay operational activities, except to the extent that imagery of a fire's cause and origin may require overhaul to be momentarily delayed.
- D.** All photographs and video containing individually identifiable patient information shall be presumed to be covered by HIPAA and state privacy laws and shall be protected in the same manner as patient care reports and medical documentation.

### **109.3 HANDING AND PRESERVATION OF IMAGES**

- A.** The Polk County Communications Division is the archiver for all photography, and digital imagery and audio media for the BoCC and maintains a library for public education, public relations, training, investigation and public records purposes.
- B.** PCFR owned images shall not be used, printed, copied, scanned, e-mailed, texted, forwarded, posted, uploaded, shared, reproduced or distributed in any manner, except as provided herein. This prohibition specifically includes the posting of any images on personal Web sites such as, but not limited to: Face Book, MySpace, Pinterest, Flickr, Google+, Twitter, or YouTube; posting to public safety Websites; or e-mailing to friends, relatives, colleagues, or other third parties.
- C.** All PCFR digital images as described in this policy shall be downloaded from the digital imaging device as soon as possible after they are taken, and will be cataloged and stored in a secure database with controlled access. After being downloaded and verifying that the downloading is successful, the images on the digital imaging device's memory card shall be erased.
- D.** All media related to an emergency incident scene will be electronically attached to the related incident report.
- E.** All media created in accordance with this policy shall be submitted to the Polk County Communications Division via the following procedures.
  - 1.** The "*Incident Information Form*", located on the Hub under Forms > Fire Rescue, shall be completed and saved to the folder with the incident/event photos in conjunction with the submission of all media files.
  - 2.** Media files shall be uploaded via the Public Safety First Response Photo Uploader located on the desktop of the station computer.
    - a.** Fill in the *Event Description and Location* box with a description and location of the incident/event. *Example No.1: MVC 540A and Carter Road. Example No.2: School Group Visit Station 480.*
    - b.** Using the "*Select Folder*" button, navigate to the folder containing the event photos and Incident Information Sheet and click Select Folder.
    - c.** Click "*Upload Documents*"
- F.** Members shall delete all media files from its original source only after they are attached to the incident report, if applicable, and uploaded via the Public Safety First Response Photo Uploader using the above procedures.
- G.** Media taken in accordance with this policy shall be uploaded before the end of the member's shift.
- H.** All imagery taken by members while on-duty or acting in an official capacity must be submitted and then deleted in accordance with established procedures. Any deviation from this policy may be a violation of F.S.S. 119.
- I.** Digital images in the secured databases shall not be accessed by any party, or altered via software product or utility such as Photoshop, unless express permission is granted in writing by the Polk County BoCC's Communications Division Director or his/her designee.




- J.** If permission to alter a photo is granted, the original photo shall not be altered in any way, and any copies that are altered shall be appropriately initialed and documented as to being an altered copy. The following details of the alteration will be noted and preserved:
1. Notation of what was altered (cropped, lightened, darkened, etc)
  2. The name and rank of the member performing the alteration
  3. The time and date of the alteration
- K.** The use of PCFR images shall be subject to approval of the Polk County BoCC's Communication Division Director or his/her designee. Prior to the release of any image, the image shall be evaluated by the Communications Division Director or his/her designee to ensure that the release will not result in a breach of patient confidentiality or breach of privacy, and that the release will, in all other respects, be lawful.
- L.** PCFR member desiring to use an agency owned image shall submit a written request to the Communications Division Director and the Fire Chief identifying the image or images requested.
- M.** Members shall not post disseminated distribute or release any agency owned image in such a way that the releasing member may be viewed as by the media or members of the public as being a spokesperson for the agency, except when duly authorized to do so.
- N.** The use of unauthorized helmet cams and dash cams is strictly prohibited, and shall be considered a serious disciplinary breach for the member involved and any supervisor who permits such use.
- O.** Use of agency cameras to take images for personal purposes is strictly prohibited.
- P.** Violation of this policy or failure to permit inspection of any device covered in this policy may result in disciplinary action up to and including termination.
- Q.** Members who are off-duty but acting in an official capacity shall be required to comply with all of the requirements of this policy. The following shall be considered acting in an official capacity while off-duty:
1. Members who are in uniform or are identifiable as members of this agency by virtue of the clothing they are wearing.
  2. Members who utilize their credentials or identify themselves as PCFR personnel to access areas of the incident scene that are not open to the public

#### **109.4 PERSONAL IMAGES - EXCEPTIONS**

- A.** This policy shall not apply to images taken by on-duty personnel with a personally owned device for purely personal and non-business purposes, including images of friends and family members during a fire station visit, and co-workers posing for a group photo.
- B.** This exception shall not apply to imagery taken at emergency scenes, training events, or during other official activities of the agency, nor shall any such photo be taken if it may have any training, operational, documentation, or evidentiary value.
- C.** Imagery taken pursuant to this exception shall not contain profanity, nudity or partial nudity, horseplay, hazing, harassment, be offensive, or depict vulgar or sexually suggestive images.
- D.** Imagery taken pursuant to this exception shall not be used or sold for profit.



- E. Any image taken pursuant to this exception that captures business related matters of the agency that make it subject to the public records law, shall be considered to be an agency image and must comply with the procedures required for agency owned images, including the need to archive and the need to request formal permission.**

	<b>POLK COUNTY FIRE RESCUE</b>		<b>100 Series</b>
	<b>No. 107</b>	<b>Pages 1-3</b>	<b>Revised: 1/4/16</b>
	<b>PUBLIC INFORMATION POLICY</b>		
	<b>Associated Directives:</b> <b>Social Media - Networking Policy, Photography and Digital Imagery</b> <b>BoCC Policies: Handbook 10.08</b>		

**POLICY:** The policy of Polk County Fire Rescue is to cooperate with all news media personnel. The Polk County Fire Rescue Division is committed to informing the community and the news media of events within the public domain that are handled by or involve the agency. To operate effectively, PCFR must obtain the support of the public they serve. By providing the news media and the community with information on agency administration and operations, the agency hope to foster a relationship of mutual trust, cooperation and respect.

It is the policy of PCFR to treat members of the media with professionalism and ethical behavior. It is expected that the media will respond in a like manner and follow ethical guidelines established by their industry. Members of this agency who believe they were treated unethically should contact the Polk County BoCC's Communications Division.

**PURPOSE:** The purpose of this policy is to establish guidelines for media relations and the release of information to the news media and/or members of the general public.

#### **107.1 PUBLIC INFORMATION FUNCTION:**

- A.** This directive establishes the agency's public information function, to include:
1. Assisting news personnel in covering routine news stories, and incident scenes
  2. Being available for on-call responses to news media
  3. Preparing and distributing agency media releases
  4. Arranging for, and assisting at, new conferences
  5. Coordinating and authorizing the release of information about victims, witnesses
  6. Assisting in crisis situations within the agency; and
  7. Coordinating and authorizing the release of certain information concerning confidential agency investigations and operations.

#### **107.2 PUBLIC INFORMATION OFFICER (PIO):**

- A.** The Incident Commander at the incident scene will be responsible for the management of Public Information during emergency incidents. The Incident Commander shall request a PIO from dispatch or call the PIO on-call phone number directly as soon as it is determined that the PIO is required on the scene.
- B.** The PIO will be responsible for interfacing with all media representatives and other outside agencies requiring information and data on the incident.

- C. The PIO will gather information from Command and will establish the location of the Public Information Section and/or media staging area if necessary, so as to have access to the Command Post, but not interfere with operations.
- D. Each officer is responsible for the safety of media personnel in his or her area. If media personnel create a safety problem or hinder operations, they should be requested to move in a positive manner, avoiding confrontation where possible.
- E. The PIO shall be notified on all significant incidents occurring within the response area of Polk County Fire Rescue which involve large dollar loss, injury, or death will have a high probability of interest to the media and the PIO shall be notified.
- F. An incident manager or commander should request a PIO based on the following criteria to assist in media management:
  - 1. Working fires which may fall into the following categories:
    - (a) Structure fires that result in damages large enough to displace the residents or have caused injury or death (firefighter/civilian).
    - (b) Fires which are significant enough to elicit a second alarm, request a Safety Officer or require the notification of the Duty Officer.
  - 2. Other Emergencies:
    - (a) Water rescue or recovery operations.
    - (b) Hazardous materials incident resulting in road closures and/or involve evacuation of employees or nearby residents, .
    - (c) Extrication upgrades which would involve fire equipment out of service for an extended period of time.
    - (d) Technical Rescue Team Operations.
    - (e) Incidents significant enough to request a Safety Officer or require the notification of the Duty Officer.

### **107.3 PIO DUTIES AND NOTIFICATION**

- A. In an effort to improve media relations and be assured that accurate, timely information is disseminated, the following guidelines have been established:
  - 1. The appointed PIO will use his/her discretion in responding to calls.
  - 2. It will be the Battalion Chief's or Duty Officer's responsibility to act as PIO in the absence the county PIO. (Incident worksheets will still be required for follow up.)
  - 3. PIO will immediately make cellular phone number available to the media via dispatch upon arrival on the scene.
  - 4. On-scene, a media staging area shall be clearly designated. (i.e. scene tape, land marks, other vehicles)
  - 5. Incident Commander shall make all information pertaining to the incident available to the PIO (status update; who, what where, when, and why)

6. Information considered newsworthy will depend on each individual incident/event. Typical information need is as follows:

- (a) List of occupants (description only, no names)
- (b) Injuries (Civilian or Fire personnel)
- (c) Medical transportation information, if applicable (location, name of facility)
- (d) Size of structure; estimated dollar loss; built in fire protection usage
- (e) Number of units on scene; time of alarm; time under control, etc.


B. It is the responsibility of the PIO on-scene to request additional assistance if the scale of the incident requires multiple Public Information Officers.

#### **107.4 PHOTO AND DIGITAL IMAGERY TAKEN WHILE ON-DUTY**

- A. Any photograph or video taken in the performance of official duty, whether on- or off-duty, is the property of the Board of County Commissioner, is not the personal property of the member taking the photograph or video and is public record.
- B. Polk County Communications Division is the gatekeeper for all photos and video for the county and maintains a library for public education, public relations, training, investigation and public records purposes
- C. Members will comply with all agency and County established directives and procedures reference to the use of photography and digital imagery.

#### **107.5 DISSEMINATION OF INFORMATION**

- A. Members shall not address media personnel without authorization of the Fire Chief, PIO or designee. Release of information relating to agency business to media personnel shall be done in compliance with State Law, the agency's directives and established County procedures.

	<b>POLK COUNTY FIRE RESCUE</b>		<b>100 Series</b>
	<b>No. 108</b>	<b>Pages 1-4</b>	<b>Revised: 1/4/16</b>
	<b>Social Media/Networking Policy</b>		
	<b>Associated Directives:</b> <b>PCFR SOP 102, 107, 109, 113, 119, 207</b> <b>BoCC Policies: Handbook 10.08</b>		

**POLICY:** It is the policy of Polk County Fire Rescue Division ("PCFR" or "Division") of Polk County, a political subdivision of the State of Florida ("County"), to respect the Constitutional and statutory rights of all members and the public. While all PCFR members have the right to use personal social networking pages or sites, members are public servants who are held to a higher standard than that of the general public with regard to standards of conduct and ethics. Members have an affirmative obligation while using social media to ensure they do not become viewed as spokespersons for PCFR except when duly authorized. This PCFR Social Media Policy shall be construed in conjunction with the Social Media Policy governing all Polk County employees, provided in the County's Employee Handbook. In the event that any specific conflict exists between the County's Social Media Policy and this PCFR Social Media Policy, the County's Social Media Policy shall govern.

It is the policy of PCFR that all personnel will maintain a level of professionalism in both on-duty and off-duty conduct that is consistent with the honorable mission of the Division and in a way that will not cause actual harm or disruption to the mission and functions of the Division or place the County in a position of public disrepute.

**PURPOSE:** The purpose of this policy is to provide guidance and direction to members of PCFR with respect to the use of social media, which should be broadly understood to include the Internet, the World Wide Web, blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites and other sites and services that permit users to share information with others in a contemporaneous manner. This guidance is intended to help clarify the boundaries between appropriate and inappropriate use of social media by PCFR personnel in a way that helps to protect members' careers while preserving the public's confidence in the Division. Nothing contained in this policy is intended in any way to unlawfully restrict a member's right to:

- A. Discuss as a private citizen, matters of public concern to the extent protected by the First Amendment, nor
- B. Engage in concerted activity with co-workers to the extent protected by collective bargaining laws.

This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees.

**DISCUSSION:** The proper functioning of any fire and emergency service organization depends upon the public's confidence and trust in the individual firefighters, officers, and Division as a whole to carry out our mission. Any matter which brings discredit to individual firefighters, officers, or the Division has the corresponding effect of reducing public confidence and trust in our organization, thus impeding our ability to work with and serve the public.

Professionalism is a significant factor in high level performance which, in turn, builds the public's confidence and trust. Conduct that erodes the public trust and confidence, or that may lead members of the public to conclude that the individuals who make up the Division are biased, be it based upon race,

ethnicity, national origin, skin color, gender, age, disability, religion, or sexual orientation/identification, impedes the mission and functions of PCFR.

#### **DEFINITIONS:**

**Harassment** - is the systematic and/or continued unwelcome actions of one party or group intended to demean, threaten, intimidate, or alarm another party or group.

**Hate speech** - is speech that attacks a person or group on the basis of attributes including race, ethnic origin, national origin, skin color, gender (including status as pregnant or nursing), religion, disability, age, or sexual orientation, indicating a level of intolerance or hostility that is incompatible with a commitment to serve all members of the community.

**Social media** - web based technology tools that enable people to communicate electronically via the Internet and the World Wide Web to share information and resources. Social media can include the sharing and exchange of electronic data, text, audio, video, images, podcasts, web casts, and other multimedia information in virtual communities and networks. Examples include but are not limited to: Facebook, Twitter, MySpace, YouTube, Pinterest, LinkedIn, myLife, Flickr, Yelp, Second Life, Foursquare, Meetup.com and Google+.

**Social networking** - the act of connecting to others through the use of social media

**Speech:** Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

**Spokesperson for the Division:** A member, employee, contractor, consultant, third party vendor, temporary employee, intern, volunteer, auxiliary or any other individual with/or under the direction of the BoCC or PCFR who makes a statement:

- On behalf of the Division;
- In his/her capacity as an employee or member of the Division; or
- In such a way that it may reasonably be attributed to the Division

#### **108.1 ENGAGEMENT OF SOCIAL NETWORKING ACTIVITIES:**

**A.** No member shall post, disseminate, or in any other way broadcast as a **private citizen** on a **matter of public concern** in such a way as to cause actual harm or disruption to the mission and functions of the Division. Examples of conduct that may cause actual harm or disruption to the mission and functions of the Division include but, are not limited to posts that:

1. impair harmony among co-workers, neighboring Divisions, and operational partners,
2. has a detrimental impact on close working relationships among coworkers,
3. has a detrimental impact on the relations between the Division and the community PCFR protects, and
4. are contrary to County policy or PCFR's directives and/or procedures; and harmful to the proper functioning of the Division.

**B.** Members may post, disseminate or broadcast on a **matter of public concern** as a **spokesperson** for the Division only with permission through chain of command. Members shall at all times exercise diligence to avoid holding themselves out as spokespersons for the Division except when duly authorized. For this reason, when using social media, members shall not in any way represent themselves as a member of, employee of, or spokesperson for, this Division without prior approval from the Fire Chief. This shall include, but shall not be limited to:



1. Text which identifies this Division by name, abbreviation, or reference,
  2. Images that depict the logos, patches, badge or other identifying symbol(s) of this Division,
  3. Accounts of incidents or events which occur within this Division for which the member may be viewed by the public as an official or unofficial Division spokesperson,
  4. Any other material, text, audio, video, photograph, or image which would be identifiable to this Division, and
  5. Use of title, rank or assignment as well as any reference to this Division in any correspondence to include emails, postings, blogs, twitter, social network sites, user names, or screen names, unless the communication is of an official nature and is serving the mission of this Division. This prohibition also includes signature lines in personal email accounts. A member may seek prior Division approval for such use.
- C. PCFR Members are **prohibited** from posting, disseminating, or broadcasting Division matters that are **not of a public concern**, unless doing so is for the purpose of **engaging in concerted activities** relative to workplace issues. Specifically, this provision does not prohibit PCFR members from discussing terms and conditions of employment among themselves or with non-members for the purpose of engaging in concerted activities. However, in doing so PCFR members must ensure that they are not perceived as being a spokesperson for the Division nor that the posting could be attributable to the Division.
- D. Members shall not post, disseminate or broadcast information that is known to be false, deceptive, libelous, slanderous, misleading or causes harm to others, including speech that constitutes hate speech, or harassment; nor shall members discuss protected or confidential matters of the Division, including:
1. Matters that are under investigation;
  2. Patient and employee information protected by HIPAA and/or medical confidentiality laws; or
  3. Personnel matters that are protected from disclosure by law.
- This provision does not prohibit members from discussing terms and conditions of employment among themselves or with non-members for the purpose of engaging in concerted activities.
- E. Members shall not post, disseminate, or broadcast Division owned images or audio recordings unless authorized to do so, or unless such images or audio are available to the public pursuant to the public records law. If such images or audio have been released as public records members shall ensure they release such information as private citizens, and not in such a way that they will be perceived as being spokespersons for the Division.
- F. Members shall maintain an appropriate level of professionalism and conduct so as not to post, disseminate, or broadcast in a manner which is detrimental to the mission and function of this Division. This provision is not intended to restrict the content of a posting that is protected by the First Amendment or collective bargaining laws, but rather is intended to apply to the use of indecent, offensive or vulgar terms; the posting of materials of a pornographic nature; harassment that adds no additional facts or information to a public discourse; or engaging in illegal activities.
- G. Member shall not use social networking to post content of a sexually graphic nature, violate copyright laws, or engage in illegal activities.

- H.** Harassment, bullying, discrimination, or retaliation against a co-worker that would not be permissible in the workplace is not permissible between co-workers online, even if it is done off-duty, from home and on personal computers or devices.
- I.** Employees are permitted limited personal use of BoCC technology provided their supervisor grants prior approval. Personal use of county technology must be approved for each device. (Refer to Employee Handbook 10.08 - Technology Resources Acceptable Use Policy)
- J.** Because social media is an emerging form of communication, the Division permits employees to engage in limited social media activity in the workplace and/or while on duty, similar to receiving a personal text message or a telephone call of limited duration. Employees choosing to do so, however, are expected and required to use proper judgment and discretion, recognizing that even very brief periods of social media activity can collectively amount to significant periods of time. Supervisors are authorized to restrict or prohibit workplace/ on-duty social media activity, as appropriate.
- K.** PCFR Members are prohibited from engaging in social networking activities that involves the recording or transmission of imagery or audio while on duty; while off-duty and acting in an official capacity; while on fire Division property; while in fire Division facilities; while on or in fire Division apparatus or vehicles; or while in uniform or while wearing such portion of the uniform so as to make the member identifiable as a member of this Division. As pertains to this provision, imagery includes still photos or video taken and posted, disseminated or broadcasted via the internet immediately or within a short period of time thereafter, as well as live streaming imagery.
- L.** This policy shall not apply to personal communications between a member and members of his/her immediate family involving Facetime, Skype, or similar platforms.

(INTERVIEW OF FIREFIGHTER/PARAMEDIC COURTNEY STOKES, #2018-AC-0087, 11/30/18)

(The following may contain unintelligible or misunderstood words due to the recording quality.)

INV. CONE: Okay. Good afternoon. Today's date is November 30<sup>th</sup>, 2018. The time is approximately 3:39 p.m. The location is the Polk County Administration Building located at 330 West Church Street, Bartow, Florida. Persons present are the speaker, Daniel Cone, Professional Standards Investigator for Polk County Fire Rescue, and Firefighter/Paramedic Courtney Stokes, who is providing an official statement about this incident. The administrative case file number is 2018-AC-0087. Courtney, you are gonna be questioned today as part of a formal investigation of Polk County. You are going to be asked questions directly related to the specific issues under investigation. I want to remind you of the requirement for you to provide truthful answers and to cooperate fully with investigators during any official investigation ordered by the County Manager's Office. Do you understand that you are to provide truthful answers and to cooperate fully?

F/P STOKES: Yes.

INV. CONE: Will you please raise your right hand? Do you swear or affirm the testimony you are about to give is true and correct to the best of your knowledge?

F/P STOKES: Yes.

INV. CONE: Okay. Thank you. Uh, for the recording, can you please state your full name, uh, spell your name, and provide your ID number, please?

F/P STOKES: My full name is Courtney Ray Stokes; uh, C-O-U-R-T-N-E-Y, S-T-O-K-E-S; and my county number is 9961.

INV. CONE: 9961? Okay. And how long have you been employed with Polk County Fire Rescue?

F/P STOKES: Just over 10 years.

INV. CONE: 10 years?

F/P STOKES: Uh-huh.

INV. CONE: And as we've already established, your position is, uh, Firefighter/Paramedic --

F/P STOKES: Uh-huh.

INV. CONE: -- correct?

F/P STOKES: Yes

INV. CONE: Um, the invest -- this investigation is in regard to an incident that occurred on November 23<sup>rd</sup> --

F/P STOKES: Uh-huh.

INV. CONE: -- 2018. I believe it was the 23<sup>rd</sup>. And it is my understanding that you were part of the shift that relieved the crews that --

F/P STOKES: Uh-huh.

INV. CONE: -- worked that previous shift, the 23<sup>rd</sup> to the 24<sup>th</sup> --

F/P STOKES: Yes.

INV. CONE: -- that 24-hour shift. So is that correct?

F/P STOKES: Yes, sir.

INV. CONE: Okay. It's been reported, uh, that you were -- that you were shown a video recording of an event that occurred the previous -- on the previous shift, or, uh, sometime prior to you coming on duty. Is that correct?

F/P STOKES: Correct.

INV. CONE: Can you tell me about that video?

F/P STOKES: It was -- it appeared to be a video of a structure fire.

INV. CONE: Okay.

F/P STOKES: And, um, it was -- I think I saw maybe 10 to 15 seconds of it. But it was -- it was a structure fire and there was some, uh, power lines down, like, a power line down at one point in the --

INV. CONE: Okay.

F/P STOKES: -- in the short little clip that I saw.

INV. CONE: Um, so you only saw about 10 or 15 seconds, you said?

F/P STOKES: Yeah, about 10 or 15 seconds.

INV. CONE: Um, did it appear that the fire that was, like, middle of the event, or --

F/P STOKES: Um, it looked like --

INV. CONE: -- was it toward --

F/P STOKES: -- the -- pretty much the whole building was -- was on fire at that point.

INV. CONE: Okay.

F/P STOKES: Yeah.

INV. CONE: Uh, so --

F/P STOKES: Some of the --

INV. CONE: -- so --

F/P STOKES: -- some of the trees --

INV. CONE: -- it wasn't --

F/P STOKES: -- it looked like some of the trees were kinda starting to catch on fire. The whole building seemed to be on fire. You know.

INV. CONE: Okay. So --

F/P STOKES: From what I could tell --

INV. CONE: It wasn't a --

F/P STOKES: -- from the video.

INV. CONE: -- situation where, you know, you're looking at a video and obviously it's post-event and --

F/P STOKES: No.

INV. CONE: -- you know, fire's out --

F/P STOKES: No.

INV. CONE: -- it was --

F/P STOKES: No, it was active fire.

INV. CONE: It was active? Okay. Who showed you the video?

F/P STOKES: Uh, it was Captain, uh, James Williams.

INV. CONE: Captain Williams?

F/P STOKES: Uh-huh.

INV. CONE: Did he -- did he say anything or --

F/P STOKES: We were -- we were talking about the fire. Like, he was just -- he was telling us about what had happened the night --

INV. CONE: Uh-huh.

F/P STOKES: -- before 'cause they had been on it for -- for such a long time. And, um -- so he was kinda just describing things that had happened. Um, and then he just asked if we wanted to see a video of it.

INV. CONE: Okay. So he was kinda just discussing -- was it --

F/P STOKES: Uh-huh.

INV. CONE: -- just kinda, like, a discussion where you were talking about it? Or was it, like --

F/P STOKES: Yeah. He was just discussing --

INV. CONE: Okay.

F/P STOKES: -- kinda what had happened with the fire and how -- I guess it was, uh, you know, kinda difficult to get back to it, and how far back it was and everything in -- in the --

INV. CONE: Okay.



F/P STOKES: -- I guess it was kinda, like, two driveways off of Rockridge Road there. And --

INV. CONE: Okay.

F/P STOKES: -- so he was just kinda giving us, you know, uh -- you know, his side of everything that had happened.

INV. CONE: Okay. Do you know who recorded the video?

F/P STOKES: I don't. I don't --

INV. CONE: You don't know that?

F/P STOKES: No.

INV. CONE: Where was the video -- what was he showing you the video on?

F/P STOKES: Uh, uh, it was a phone.

INV. CONE: Was it --

F/P STOKES: It was a cell phone.

INV. CONE: Whose -- do you know if it was his phone?

F/P STOKES: I think it was his phone. I -- I --

INV. CONE: He had the phone?

F/P STOKES: -- (unintelligible) -- yeah, he had the phone.

INV. CONE: Okay.

F/P STOKES: I believe it was his phone.

INV. CONE: Um, but you don't know how the video was recorded or --

F/P STOKES: No. He never --

INV. CONE: -- who did it or --

F/P STOKES: -- stated that --

INV. CONE: Okay.

F/P STOKES: -- he took the video. Or he never stated who it -- if -- if it had gotten sent to him. Like, he --

INV. CONE: Okay.

F/P STOKES: -- never told me.

INV. CONE: So he never --

F/P STOKES: He just asked if we wanted to see it.

INV. CONE: Okay. Was anyone else present when you saw this video?

F/P STOKES: I thought there was somebody else in the room, but I'm not sure. I can't remember, uh, who else -- 'cause we were in that office there, so I'm not sure if somebody else was, you know --

INV. CONE: And this is up at the Providence Station, right?

F/P STOKES: Uh-huh.

INV. CONE: Station 6, I believe it is?

F/P STOKES: Yes.

INV. CONE: And -- and you're talking about that one office area where you kinda come in the --

F/P STOKES: You come in from the bay.

INV. CONE: -- kinda off the back -- yeah, yeah.

F/P STOKES: When you come in from the bay, you walk straight and --

INV. CONE: Right.

F/P STOKES: -- you'll come right to it.

INV. CONE: Okay. Um, so in his explanation, he presented that as the incident that occurred. This is what --

F/P STOKES: Uh-huh.

INV. CONE: -- we've been on all night, or however long, whatever it was.

F/P STOKES: Yeah. He was just kinda showing how big of a fire it -- it --

INV. CONE: Okay.

F/P STOKES: -- it was and stuff.

INV. CONE: Um, were you -- are you familiar with that area or that location?

F/P STOKES: We went out to the call after my captain that was gonna be on that day.

INV. CONE: Uh-huh.

F/P STOKES: Uh, he was working at another station, had to come. He got there I think around 9:30 or so.

INV. CONE: Uh-huh.

F/P STOKES: Um, but he, uh -- once he got there, we had to go back out to the scene to -- in order to, um, help recover some -- some materials and stuff like that. So --

INV. CONE: Okay. So I guess in your opinion --

F/P STOKES: Uh-huh.

INV. CONE: -- it would have been the area that you went back out to the next day that appeared to be the same area that was on the video?

F/P STOKES: Right. That's what we were -- yeah. I thought --

INV. CONE: Okay.

F/P STOKES: -- that's what -- that's what he --

INV. CONE: That's what he said.

F/P STOKES: -- said he said he was showing. Yeah. That's what he was showing us.

INV. CONE: Okay.

F/P STOKES: Yeah, 'cause that's what we were discussing. And then he showed us the video.

INV. CONE: Okay. But other than that, you're not familiar? So I -  
- for instance, when you're looking at the video, you're not recognizing, you know --

F/P STOKES: Uh, I have never been to that location --

INV. CONE: Okay.

F/P STOKES: -- before. Now, I've worked the area. I've worked Providence for -- for several years --

INV. CONE: Right.

F/P STOKES: -- before. Now, I've worked for -- I normally work at Sleepy Hill, um, Fire Station. But I worked that area for a long time and I'm, you know, familiar with Rockridge Road.

INV. CONE: Right.

F/P STOKES: But I've never been to that specific house.

INV. CONE: Yeah. So -- and that's what I'm asking. Just, like, you wouldn't have recognized the location by looking at the video --

F/P STOKES: Right.

INV. CONE: -- but --

F/P STOKES: No. I mean, it was at -- it was at night; it was dark.

INV. CONE: Right. Okay.

F/P STOKES: You know what I mean? It wasn't -- yeah.

INV. CONE: All right. Um, and I just wanna just kinda clarify. It was Captain Williams that showed the video. And --

F/P STOKES: Yes, sir.

INV. CONE: -- it appeared to be on his phone -- at least, it was on a phone that was in -- that he had possession of.

F/P STOKES: Right. Yeah.

INV. CONE: Um, but he never said, This -- I took this video, and you -- and you --

F/P STOKES: No.

INV. CONE: -- don't have any, uh, knowledge of how that video was acquired.

F/P STOKES: No. He never said that he took it --

INV. CONE: Okay.

F/P STOKES: -- specifically, and he never said, So-and-so sent it to me, or that somebody had sent it --

INV. CONE: So you wouldn't have --

F/P STOKES: -- to him.

INV. CONE: -- any knowledge if it was -- had been sent or --

F/P STOKES: Right.

INV. CONE: -- was dispersed or whatever?

F/P STOKES: Right. I don't know.

INV. CONE: Okay.

F/P STOKES: Yeah.

INV. CONE: All right. Uh, Courtney, is there anything I haven't asked that you think that might be important for me to know?

F/P STOKES: Um, I mean, he was -- it was -- I mean, everybody was kind talking. I mean, 'cause it was a couple guys that had to hold over that day --

INV. CONE: Uh-huh.

F/P STOKES: -- and wait. So they were -- we were all kinda just discussing what had happened --

INV. CONE: Okay.

F/P STOKES: -- and such. Yeah. So I'm not sure if anybody else saw -- um, saw the video or anything. So --

INV. CONE: Okay. All right, Courtney. Well, I think that's everything I have. Um, is everything you've told me here today true and correct to the best of your knowledge?

F/P STOKES: Yes, sir.

INV. CONE: Okay. This is an open investigation, so you're gonna be directed not to discuss what you and I --

F/P STOKES: Yeah.

INV. CONE: -- have talked about here today with anybody. Okay?

F/P STOKES: Uh-huh.

INV. CONE: I know that's -- that kinda places you in a difficult situation if you bump into Captain Williams or anybody else.

F/P STOKES: Uh-huh.

INV. CONE: He will be served, uh, with a notice of investigation probably this weekend. I don't know if he's working or not.

F/P STOKES: All right.

INV. CONE: Um, you know, if -- you know, don't talk about it with any of your coworkers --

F/P STOKES: Uh-huh.

INV. CONE: -- supervisors, or anybody we do business with, hospitals --

F/P STOKES: Right. Yeah.

INV. CONE: -- staff, anything like that. Uh, do you understand that direction?

F/P STOKES: Yes, sir.

INV. CONE: Okay. That will conclude this, uh -- this, uh, interview. The time is now approximately 3:47 p.m. The date is still the 30<sup>th</sup> of November, 2018.



(CONCLUSION OF INTERVIEW)

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Transcribed by: ngj/clk